

AMENDMENTS TO THE DRAWINGS

The attached replacement sheet of drawings includes changes to FIG. 5 as described in the Remarks portion of this paper.

Attachment: Replacement sheet for FIGS. 5 and 6.

REMARKS

Claims 1, 22, and 23 have been amended. Claims 16 and 28 stand withdrawn. Claims 1, 5-8, 16, 17, 20, 22-29 are pending in the application. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

Applicants thank the Examiner for the courtesies extended during the interview conducted on June 23, 2008. During that interview, the Examiner and Applicant's representative discussed amendments to the claims and their relation to the cited prior art. The Examiner agreed that the claims as amended were not anticipated or obvious over U.S. Patent No. 4,776,090 ("Grassi").

The drawings stand objected to under 37 CFR 1.83(a) for allegedly not showing a "hinge" as recited in claims 1, 22, and 23. Applicants respectfully traverse this objection and submit that FIG. 5 as originally submitted does show a hinge. Furthermore, FIG. 5 has been amended to label the hinge as element number 122 and to label the second post as element number 123.

Claims 1, 5-8, 16, 17, 20, and 22-29 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement for allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Office Action states that a post comprising two parts connected through a hinge is not supported by the original specification. (Office Action, page 3). Applicants respectfully submit that this concept was adequately disclosed by original FIG. 5. Original FIG. 5 showed a first post 117 and a second post 123 connected by a hinge 122. Subsequent amendments to FIG. 5

have added labels for clarity, but have not added new matter. "In establishing a disclosure, applicant may rely not only on the specification and drawing as filed but also on the original claims if their content justifies it." *MPEP 608.04*. The depiction of the first post 117, second post 123, and hinge 122 and their arrangement in FIG. 5 is adequate to reasonably convey to one skilled in the relevant art that the inventor had possession of the claimed invention. Applicants respectfully request that the rejection be withdrawn and the claims allowed.

Claims 16 and 18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action does not point out how claims 16 and 18 are indefinite, but instead points out that claims 16 and 18 are drawn to a non-elected species. Applicants respectfully submit that a rejection for indefiniteness is not a proper rejection for claims drawn to a non-elected invention. Furthermore, claim 1 is a generic claim and upon the allowance of a generic claim, applicant will be entitled to consideration of dependent claims 16 and 18 as provided by 37 CFR 1.141. *See MPEP 809.02*. Applicants respectfully request that the rejection be withdrawn and the claims allowed.

Claims 1, 5-8, 17, 20, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,614,031 ("Chen") in view of U.S. Patent No. Des. 392,419 ("Litton"). This rejection is respectfully traversed.

Claim 1 recites "a second post having a first end and a second end, the first end of the second post being connected to the second end of the first post by a hinge." The Chen and Litton combination does not teach or suggest this limitation, or otherwise render claim 1 obvious because Chen does not disclose a second post connected to the second end of the

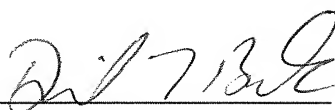
first post by a hinge. The Office Action characterizes the “pair of lugs 50-50” of Chen as the second post and the “pair of essentially semi-conduit recess seats 30-30” as a hinge. (Office Action, page 4). Applicants respectfully disagree with these characterizations. Chen states that “the nail clipper 10 further includes...a lever lug end 48 that has a pair of lugs 50-50 which are pivotally, rotatably disposed or lodged in the pair of essentially semi-conduit recess seats 30-30.” (Chen, column 2, lines 45-49). Thus, the lugs 50-50 and the recess seats 30-30 of Chen together make up a hinge. Therefore, Chen only teaches a hinge coupled to the cover depressing lever 44, and does not teach or suggest “a second post...connected to the second end of the first post by a hinge” as recited by claim 1.

Since the Chen and Litton combination does not teach or suggest all of the limitations of claim 1, claim 1 is not obvious over the cited references. Claims 22 and 23 include limitations similar to those of claim 1 and are allowable for at least the same reasons. Claims 5-8 depend from claim 1 and claims 24-29 depend from claim 23 and are patentable at least for the reasons mentioned above. Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

In view of the Above, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

By 

Edward A. Meilman

Registration No.: 24,735

David T. Beck

Registration No.: 54,985

DICKSTEIN SHAPIRO LLP

1177 Avenue of the Americas

New York, New York 10036-2714

(212) 277-6500

Attorneys for Applicant

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